

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

NOTICE OF MOTION

- v - :

07 Cr. 1173 (CM)

**RENE J. GARCIA, JR.** :

Defendant. :

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SIRS:

PLEASE TAKE NOTICE that upon the annexed Affirmation of **RENE J. GARCIA, JR.**, and the accompanying Memorandum of Law, the undersigned will move before the Honorable Colleen McMahon, United States District Judge, Southern District of New York, on April 11, 2008, or as soon thereafter as counsel can be heard, for an Order 1) suppressing all evidence obtained by the police as a result of the warrantless seizure of Mr. Garcia on October 12, 2007 28, 2002; and 2) granting an evidentiary hearing on the motion, and granting such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York  
February 29, 2008

Yours, etc.

By:

PAUL E. DAVISON, ESQ.  
Federal Defenders of New York, Inc.  
Attorney for the Defendant  
**RENE J. GARCIA, JR.**  
300 Quarropas Street  
White Plains, New York 10601  
Tel.: (914) 428-7126

TO: **MICHAEL GARCIA, ESQ.**  
United States Attorney  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601  
Attn: **ANNA M. SKOTKO, ESQ.**  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA :

A F F I R M A T I O N

- v -

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RENE J. GARCIA, JR.

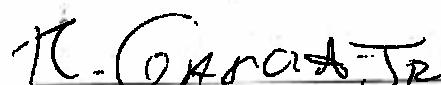
Defendant. :  
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RENE J. GARCIA, JR., affirms as follows, under penalty of perjury pursuant to 28 U.S.C. §1746:

1. I am the defendant in the above-captioned case. I make this affirmation in support of a motion to suppress evidence obtained by the police as a result of a warrantless seizure on October 12, 2007.
2. On October 12, 2007, the police arrested me for no apparent reason. I had just arrived in Mount Vernon, New York, in a taxi, and I was standing on a public street when the police approached and arrested me. I was not engaged in any illegal or suspicious activity at the time of my arrest.

I declare under penalty of perjury that the foregoing is truthful and correct.

Dated: Valhalla, New York  
February 26, 2008



RENE J. GARCIA, JR

